

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AUTOMATED MANAGEMENT SYSTEMS, INC., :

Plaintiff, :

-against- :

RAPPAPORT HERTZ CHERSON
ROSENTHAL, P.C., WILLIAM RAPPAPORT,
STEVEN M. HERTZ, ELIOT J. CHERSON,
MICHAEL C. ROSENTHAL, and
BRANKO RAKAMARIC, :

Defendants. :

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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

USDC SDNY
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DOC #:
DATE FILED: 10/24/19

MEMORANDUM and ORDER

16-CV-4762 (LTS)(KNF)

Defendant Branko Rakamaric ("Rakamaric"), proceeding pro se, filed a motion for a protective order, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure; see Docket Entry No. 155. Fed. R. Civ. P. 26(c) requires that a motion for a protective order "must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. Rakamaric's motion does not include the requisite certification.

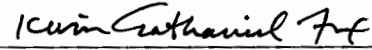
Local Civil Rule 7.1 of this court provides that, except for letter-motions permitted by Local Civil Rule 7.1(d) or as otherwise permitted by the Court, all motions must include, inter alia, "[s]upporting affidavits and exhibits thereto containing any factual information and portions of the record necessary for the decision of the motion." Local Civil Rule 7.1(a)(3). Rakamaric failed to file an affidavit(s) containing the factual information necessary for the decision on the motion. Rakamaric's failure to comply with Fed. R. Civ. P. 26(c) and Local Civil Rule 7.1 of this court, warrants the denial of his motion. As the Second Circuit Court of Appeals has made clear, a litigant's pro se status does not exempt the litigant from complying with applicable rules of procedural and substantive law. See Traguth v. Zuck, 710 F.2d 90, 95 (2d Cir. 1983).

For the reasons set forth above, Rakamaric's motion for a protective order, Docket Entry No.

155, is denied.

Dated: New York, New York
October 2, 2019

SO ORDERED:

A handwritten signature in cursive script, appearing to read "Kevin Nathaniel Fox", written over a horizontal line.

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE